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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

PACIRA BIOSCIENCES, INC.,

Plaintiff,

v.

AMERICAN SOCIETY OF  
ANESTHESIOLOGISTS, INC. et al.,

Defendants.

Civil Action No. 21-cv-9264-MCA-  
JSA

Hon. Madeline Cox Arleo  
Hon. Jessica S. Allen

**Oral Argument Requested**

**MOTION DAY:** October 18, 2021

**NOTICE OF PACIRA BIOSCIENCES, INC.'S RULE 72(a) APPEAL FROM  
THE SEPTEMBER 17, 2021 ORDER OF MAGISTRATE JUDGE ALLEN**

PLEASE TAKE NOTICE that on October 18, 2021, or as soon thereafter as this motion may be heard, Latham & Watkins LLP, attorneys for plaintiff Pacira Biosciences, Inc. (“Pacira”) will appeal to the Honorable Madeline Cox Arleo, United States District Judge, in the United States District Court for the District of New Jersey, the September 17, 2021 Order of Magistrate Judge Jessica S. Allen, pursuant to Federal Rule of Civil Procedure 72(a) and Local Civil Rule 72.1(c)(1)(A).

PLEASE TAKE FURTHER NOTICE that the basis of Pacira’s appeal is that Judge Allen’s Order is contrary to law in holding that Pacira’s public records requests to The Ohio State University and the University of California San Diego, made pursuant to state law, violated the Court’s June 21, 2021 stay of discovery.

PLEASE TAKE FURTHER NOTICE that Pacira shall rely upon its Memorandum Of Law In Support Of Pacira BioSciences, Inc.’s Rule 72(a) Appeal From The September 17, 2021 Order Of Magistrate Judge Allen, which is submitted herewith.

PLEASE TAKE FURTHER NOTICE that a proposed order is submitted herewith for the Court’s consideration.

PLEASE TAKE FURTHER NOTICE that oral argument on the motion is hereby requested.

Dated: September 24, 2021

Respectfully submitted,

LATHAM & WATKINS LLP

/s/ Kevin M. McDonough

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